

## **MINUTES**

### **INDIANA STATE BOARD OF DENTAL EXAMINERS**

**APRIL 4, 2008**

#### **I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

Dr. Burns called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

##### **Board Members Present:**

Jill Burns, D.D.S., President  
Laverne Whitmore, L.D.H. B.S., Vice President  
Galen Williams, D.D.S., Secretary  
Richard T. Newton, II, D.D.S.  
Charles Heape, D.D.S.  
Theodore Rokita, D.D.S.  
Philip Catey, D.D.S.  
Steven Hollar, D.D.S.  
Gary Haller, D.D.S.  
Clance LaTurner, Consumer Member

##### **Board Members Absent:**

Matthew Miller, D.D.S.

##### **State Officials Present:**

Cindy Vaught, Board Director, Professional Licensing Agency  
Kristine Yarde, Assistant Board Director, Professional Licensing Agency  
Liz Brown, Deputy Attorney General, Office of the Attorney General

#### **II. ADOPTION OF THE AGENDA**

A motion was made and seconded to adopt the agenda, as amended.

HOLLAR/HALLER  
Motion carried 10-0-0

#### **III. ADOPTION OF THE MINUTES FROM THE MARCH 7, 2008 MEETING OF THE BOARD**

A motion was made and seconded to adopt the minutes of the March 7, 2008 meeting of the Board.

LaTURNER/WILLIAMS  
Motion carried 10-0-0

#### **IV. APPEARANCES**

##### **A. PROBATIONARY**

**1. State of Indiana v. Daniel J. Fink, D.D.S., License No. 12007602A**  
**Administrative Cause No. 2006 DB 0006**

Dr. Fink appeared before the Board, as requested, regarding his probationary status. He advised his address and phone number have not changed and he is not currently taking any medications. Dr. Fink is not employed at this time. He informed the Board that the Illinois Dental Board will have a determination on his license within two (2) weeks.

**2. State of Indiana v. Jim D. Frankos, D.D.S., License No. 12009561A**  
**Administrative Cause No. 2003 DB 0001**

Dr. Frankos appeared before the Board, as requested, regarding his ongoing probationary status. He reported his new address to the Board and advised his phone number and work information remain unchanged. The Board noted that he is in compliance with his probation order and he submitted a letter to the Board Director, Cindy Vaught, requesting an administrative hearing to be scheduled so that he may seek to have his probation order withdrawn. Ms. Vaught advised she will set the hearing for the June meeting.

**3. State of Indiana v. Christopher Leonard, D.D.S., License No. 1200963A**  
**Administrative Cause No. 2005 DB 0002**

Dr. Leonard appeared before the Board, as requested, regarding his ongoing probationary status. He advised the Board of the medications that he is taking. He stated his wife has not been to his office. The Board asked him about a report from Ms. Candace Backer with the Dental Well-Being Program which explained his February urine screen detected a low amount of alcohol. Dr. Leonard stated it was due to cough syrup he took and Ms. Backer concurred that she did not believe it was a relapse. The Board advised him to make better decisions regarding the medications he is taking in the future.

**4. State of Indiana v. Trevor Treasure, D.D.S., License No. 12010719A**  
**Administrative Cause No. 2007 ISDB 0002**

Dr. Treasure appeared before the Board, as requested, regarding his ongoing probationary status. The Board noted that he is in compliance with his probation order. Dr. Treasure submitted proof of completion of twelve hours of continuing education. Two hours in the area of dental ethics and ten hours on chemical dependency. He asked how to go about paying his fine and the Board advised him to write a check and submit it to the Professional Licensing Agency address.

**B. APPLICATION**

**1. Desiree Dal Pra Dech, L.D.H.**

Ms. Dech appeared before the board, as requested, regarding her application for licensure as a dental hygienist. Ms. Dech is a 1992 graduate from Indiana University Northwest. She passed National Boards in May 1992 and completed the Indiana State Board Examination in June of 1992. Ms. Dech's original license expired March 1, 1998. Ms. Dech was required to reapply by endorsement for licensure. On her application she answered "yes" to question #3 asking, "Are you now, or have you ever been treated for drug or alcohol abuse?" She also answered "yes" to question #4b. asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony

in any state?" Ms. Dech explained to the Board she moved to Kansas with a boyfriend and was feeling lonely so she began drinking. She realized that she was becoming dependent upon alcohol and in 2000 checked into a rehabilitation center for 28 days. She stated she maintained her sobriety for approximately six months but did not follow all of the post-treatment recommendations and relapsed. Ms. Dech told the Board she pled guilty to a DUI in 2003 and her sobriety date is December 3, 2003. As a result of the DUI she spent two days in jail and completed one year of probation. She currently attends AA meetings and works with a sponsor. She expressed her commitment to her sobriety. The Board asked if any of the other states she is licensed in have asked her to appear regarding the DUI. Ms. Dech stated that no states have asked her appear and when she applied for her Missouri license they were aware of her conviction. The Board asked about where she last worked in Kansas and when she stopped working there. They explained that her written work history says she was practicing in 2006 but her Kansas license verification shows that her license expired December 1, 2005. Ms. Dech said she must have made an error because she would not have practiced on an expired license and offered to get a letter from the Deer Creek Family Dental Care Office attesting to her employment dates.

**Board Action:** A motion was made and seconded to grant a license to Ms. Dech pending receipt of verification of her employment dates at the Deer Creek Family Dental Care Office in Kansas and upon passing the law examination.

WILLIAMS/HALLER  
Motion carried 10-0-0

**C. RENEWAL**

**1. Michael Edward Bajza, D.D.S., License No. 12009652A**

Dr. Bajza appeared with Counsel Michael P. Mulchay regarding his application for renewal of his dental license. Dr. Bajza had his own court reporter present. The Board asked Dr. Bajza why he answered "no" to all questions on his renewal when they had revoked his license since he last renewed. Dr. Bajza stated he answered "no" because the revocation has been stayed pending the outcome of the judicial review and he has an active license to practice.

**Board Action:** A motion was made and seconded to deny Dr. Bajza's license renewal.

HEAPE/WILLIAMS  
Motion carried 8-0-2  
Dr. Burns and Ms. Whitmore, L.D.H., B.S. abstained

**2. Cheri L. Fletcher-Crayton, D.D.S., License No. 12010002A**

Dr. Fletcher-Crayton appeared with Counsel Steve Pockers regarding her online application for license renewal. On her online application she answered "yes" to question #4 asking, "Have you had a malpractice judgment against you or settled a malpractice action?" She told the Board that a patient came to her for treatment in 2004 after being dissatisfied with her other dentist. Dr. Fletcher-Crayton explained the patient was having discomfort in several areas and agreed to the treatment plan she recommended. The patient continued to have discomfort after a series of restorations had been done. The patient went back to her previous dentist to get a second opinion and he told the patient that she had

performed unnecessary restorations which led the patient to file a malpractice claim. Dr. Fletcher-Crayton admitted no wrongdoing and denied that the restorations were unnecessary. She explained to the Board what she used to determine her diagnosis. The Board asked her if she used a diagnadent and she admitted that was used by her assistant. The Board voiced concern about the use of the diagnadent by the assistant and the accuracy issues that exist when using it, particularly if the teeth are not clean and dry. Dr. Fletcher-Crayton told the Board she used x-rays and examined the teeth in addition to using the diagnadent. She stated that she and her office staff took a training course on how to use the diagnadent. The Board again expressed concern about her staff participating in the diagnosis. Dr. Fletcher-Crayton stated that her staff only helps to gather information and she makes the diagnosis. She noted that she has been practicing for eleven years. The Board asked Dr. Fletcher-Crayton if she brought that patient's file with her and she did not. They took notice of the fact that the patient's claim was evaluated by a peer review panel and they determined the claim could go forward at which time a settlement was granted to the patient on December 8, 2006 in the amount of \$60,000.00 citing unnecessary restorations were performed. The Board asked Dr. Fletcher-Crayton if she would agree to place her license on probation. She stated yes.

**Board Action:** A motion was made and seconded to renew Dr. Fletcher-Crayton's dental license on Indefinite Probation subject to the following terms and conditions:

1. The Practitioner's license as a dentist is renewed and placed on indefinite probation.
2. The Practitioner shall complete a Board-approved continuing education course in the area of diagnostics and early caries detection.
3. The Practitioner may request a hearing to rescind the probation after one (1) year from the date of this order and following successful completion of the Board-approved continuing education course.
4. The failure of the Practitioner to comply with the requirements of probation may subject her to a show cause hearing before the Board and the imposition of further sanctions

WILLIAMS/HALLER  
Motion carried 10-0-0

**3. Atteyat Hadizadeh, D.D.S., License No. 12010727A**

Dr. Hadizadeh appeared before the Board regarding her online application for renewal of her dental license. On her online renewal application she answered "yes" to question #4 asking, "Since you last renewed, has any health profession license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending?" Dr. Hadizadeh presented the Board with a copy of her settlement agreement with the Kentucky Board of Dentistry filed July 14, 2006. A complaint was filed against her in 2005 regarding a root canal she performed on a patient. Dr. Hadizadeh was given a reprimand, ordered to pay a \$500.00 fine and \$500.00 costs. She was also ordered to pay \$1,400.00 to the patient and was restricted from performing root canals until she obtained 40 hours of continuing education and performed ten (10) successful root canals under the direct supervision of a licensed dentist. Dr. Hadizadeh said she doesn't want to perform any root canals. She submitted proof of completion of the required continuing education but she has not completed the ten (10) root canals under direct supervision of a dentist. She is required to have those completed by July 1, 2008. Dr. Hadizadeh is currently employed by Mid America

Health and works in a Kentucky state men's prison. She advised she only intends to work in Indiana as a relief dentist when needed at an Indiana state prison. The Board requested Dr. Hadizadeh to present proof to the Board of her successful completion of the settlement agreement with the Kentucky Board of Dentistry. She stated she would send that to the Board.

**Board Action:** A motion was made and seconded to grant the renewal of Dr. Hadizadeh's dental license.

WILLIAMS/ROKITA  
Motion carried 10-0-0

**V. ADMINISTRATIVE HEARINGS**

There were no administrative hearings scheduled.

**VI. SETTLEMENT AGREEMENTS**

There were no settlement agreements before the Board.

**VII. NOTICE OF PROPOSED DEFAULT**

There were no Notices of Proposed Default before the Board.

**VIII. OLD/NEW BUSINESS**

**A. 2008 LEGISLATION**

Ms. Vaught provided the Board with copies of Senate Bill 302 and House Bill 1172 so they could review the changes in the dental law that will become effective July 1, 2008. Dr. Burns explained the Board needs volunteers for a rules committee. It was agreed that Dr. Burns, Ms. Whitmore, L.D.H., B.S., and Dr. Newton will comprise that committee.

**IX. DISCUSSION**

**A. Indiana State Dental Hygiene Association**

Mandy Arvin appeared on behalf of the association. She advised the Board they would like to be included in the rule making discussions pertaining to dental hygienists as a result of the new legislation.

**B. Eugene Robert Kuzmic, D.D.S.**

Dr. Kuzmic submitted his application for renewal and a written request for waiver of the continuing education requirement due to a medical disability. Dr. Kuzmic stated that he can only stand for short periods of time and walk limited distances. This has prevented him from attending dental meetings but he claimed to keep abreast of new research and surgical techniques through various journals he reads.

**Board Action:** A motion was made and seconded to grant Dr. Kuzmic's request for renewal with the condition that he would be required to complete the twenty (20)

hours of continuing education through distance learning methods (online continuing education) or journals. The required continuing education would need to be completed within three (3) months.

WILLIAMS/NEWTON  
Motion carried 10-0-0

#### **C. Indiana Dental Association**

Doug Bush told the Board they are getting many calls from dentists concerning the teeth whitening kiosks in malls. The IDA is going to form a committee to study this issue and try to determine if anything illegal is happening. He advised a second committee will be formed to address peer complaints against peers. A number of dentists are concerned that other dentists are over treating patients. The committee will try to determine what role and responsibility they have as a profession, who a complaint should be filed with, and what liability or protection should be allowed to complaining dentist. The IDA has some statutory immunity that protects the complaining dentist from a libel lawsuit. Another issue they will have to address is what to do about a dentist who will then make frivolous complaints knowing that nothing can happen to him/her for complaining. He mentioned trying to counter this by looking for patterns such as three complaints filed against the same doctor will result in a complaint being filed with the Attorney General's office. He stated the IDA is now publishing disciplinary action taken by the Board in their newsletter. Ed Rosenbaum addressed the Board concerning HB 1172 and told them a task force will propose rule language to the Board for their consideration.

### **X. APPLICATION REVIEW**

#### **A. Endorsement**

##### **1. Aaron L. Phillips, D.D.S.**

The Board reviewed the application file by endorsement for Dr. Aaron L. Phillips. Dr. Phillips is a 1984 graduate from Tennessee State University and completed the Part I and II of the National Boards in 1987 and 1989. He also took and passed the NERB examination in 1990 and 1991. He is currently licensed in Illinois and Missouri. On his application he answered "yes" to question #7 asking, "Have you ever had a malpractice judgment against you or settled any malpractice action?" The malpractice settlement was for \$18,500.00 concerning laminate veneers.

**Board Action:** A motion was made and seconded to approve a dental license for Dr. Phillips upon passing the law exam.

CATEY/NEWTON  
Motion carried 10-0-0

##### **2. Mohammad Salamah, D.D.S.**

The Board reviewed an application file by endorsement for Dr. Mohammad Salamah. Dr. Salamah is a 2003 graduate of New York University and passed the National Boards Part I and II in 1999 and 2002. He also has taken and passed the NERBS in 2002 and 2003. Dr. Salmah holds and active license in the state of Illinois, a lapsed license in the state of Ohio and an inactive license in the state of Pennsylvania. On his application he answered "yes" to question #7 asking, "Have you ever had a malpractice judgment against you or settled any malpractice

action?" He explained in a written affidavit that he had a malpractice settlement in Ohio in 2006 regarding a root canal treatment he gave to a patient. The claim was settled for \$9,000.00.

**Board Action:** A motion was made and seconded to approve a dental license for Dr. Salamah upon passing the law exam.

CATEY/NEWTON  
Motion carried 10-0-0

**B. Examination**

There were no examination applications for the Board to review.

**C. Anesthesia and Sedation Permits**

There were no anesthesia and sedation permits.

**D. Dental Intern Permit**

There were no dental intern permit applications to review.

**E. Mobile Dental Facility**

There were no mobile dental facility applications to review.

**F. Professional Corporations**

There were no professional corporation applications to review.

**XII. PROBATIONARY REPORT**

**A. Penelope Dunlap, D.D.S.**

Dr. Dunlap's monitoring of practice report for February and March was reviewed and accepted. Dr. Dunlap is in compliance with his probationary order.

**B. Marci L. Huth, D.D.S**

Ms. Huth is required to submit supervisor's report. She reported that she is not currently practicing at this time. Ms. Huth is in compliance with her probationary order.

**C. Teresa Michelle McCrady, D.D.S.**

Dr. McCrady's report from the Wellness Program and work site monitor report for March 2008 were reviewed and accepted. Dr. McCrady is in compliance with her probationary order.

**D. James W. Cahillane, D.D.S.**

Dr. Cahillane's report from the Wellness Program for March 2008 was reviewed and accepted. Dr. Cahillane is in compliance with his probationary order. Dr. Cahillane was approved for renewal of his controlled substance registration by the Controlled Substance Advisory Committee on March 28, 2008.

**E. Bland Pope Walker, D.D.S.**

Dr. Walker's report from the Wellness Program for March 2008 was reviewed and accepted. Dr. Walker is in compliance with his probationary order.

### **XIII. CONTINUING EDUCATION**

#### **A. Key Point Study Club North**

**Board Action:** A motion was made and seconded to approve Key Point Study Club North as an approved provider for the 2008-2010 biennium.

HOLLAR/WILLIAMS  
Motion carried 10-0-0

#### **B. Debra D. Beckner, L.D.H.**

**Board Action:** A motion was made and seconded to approve Debra D. Beckner, L.D.H. as an approved provider for the 2008-2010 biennium.

HOLLAR/WILLIAMS  
Motion carried 10-0-0

### **XIV. REPORTS**


- A. Dr. Williams presented the Board with proposed Disciplinary Guidelines for the Indiana State Board of Dentistry. He asked the Board members to review it and provide comments at the next meeting.
- B. Ms. Brown reviewed Dr. Haller's article regarding the reinstatement of expired dental and dental hygiene licenses and provided him with a revised copy.
- C. Ms. LaTurner told the Board she continues to meet with Department of Homeland Security but things are moving slowly.
- D. Dr. Burns told the Board her article on NERB was published in the IDA Journal. She also advised she attended a lunch and learn at the dental school and answered questions for students concerning licensure.
- E. Dr. Hollar stated that November 7, 2008 has been set to do the mock dental board meeting at the Indiana University Dental School. He will be working on a script for the meeting.

### **XV. ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Dentistry adjourned at 12:00 p.m.

  
Jill Burns, D.D.S., President

Date

  
Galen Williams, D.D.S., Secretary

Date

5/02/08